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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/001,505	11/15/2001	Michael R. Flannery	P1768US00	3251
24333 7590 02/28/2007 GATEWAY, INC. ATTN: Patent Attorney 610 GATEWAY DRIVE MAIL DROP Y-04 N. SIOUX CITY, SD 57049			EXAMINER GAUTHIER, GERALD	
			ART UNIT	PAPER NUMBER
			2614	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		02/28/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/001,505	Applicant(s) FLANNERY, MICHAEL R.	
	Examiner Gerald Gauthier	Art Unit 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,6,8-16,18,22,25-28,32-34 and 36-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-3,8-16,18,22 and 32-34 is/are allowed.
- 6) ☒ Claim(s) 25-28 and 36-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claim(s) 25-28 and 36-41** are rejected under 35 U.S.C. 102(e) as being anticipated by Bell (US 6,405,027 B1).

Regarding **claim(s) 25**, Bell discloses an apparatus, comprising:

a housing (FIG. 2);

means, disposed within said housing, for communicating with a first device via a cellular communications network (34 on FIG. 2);

means, disposed within the said housing, for communicating with a second device via a local communications link (35 on FIG. 2);

combining means, disposed within said housing, for combining communications with the first and second devices wherein a user of the first device is capable of communicating with a user of the second device (30 on FIG. 2);

a microphone coupled to said combining means (M on FIG. 2); and

a speaker coupled to said combining means such that sound generated at the microphone is not played at the speaker (S on FIG. 2).

Regarding **claim(s) 26**, Bell discloses an apparatus, the means for communicating with a first device via a cellular communications network comprising a cellular telephone transceiver circuit structure (FIG. 2).

Regarding **claim(s) 27**, Bell discloses an apparatus, the means for communicating with a second device via a local communications link comprising a radio-frequency transceiver circuit structure (FIG. 2).

Regarding **claim(s) 28**, Bell discloses an apparatus, the means for combining communications with the first and second devices comprising a mixer circuit structure (30 on FIG. 2).

Regarding **claim(s) 36**, Bell discloses an apparatus, further comprising: a menu identifying compatible devices within range of said second transceiver (FIG. 3); and
a menu driven interface driven by said menu for controlling establishment of voice channels (FIG. 3).

Regarding **claim(s) 37**, Bell discloses an apparatus, wherein the apparatus comprises a cellular telephone and identification codes for said compatible devices are

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preprogrammed into the cellular telephone so as to enable a name of a person to be associated with each said compatible device (FIG. 2).

Regarding **claim(s) 38**, Bell discloses a cellular telephone, further comprising a function enabling entry of a code for each person (FIG. 2).

Regarding **claim(s) 39**, Bell discloses a cellular telephone, wherein the menu includes a list of potential callers to be added to the conference call (FIG. 3).

Regarding **claim(s) 40**, Bell discloses an apparatus, further comprising a function for selecting desired callers from said list (FIG. 3).

Regarding **claim(s) 41**, Bell discloses an apparatus, wherein the apparatus identifies further compatible third devices by broadcasting a request for compatible third party devices within the range of the local area receiver to identify themselves and adds to the menu those third party devices responding to the request (FIG. 2).

Allowable Subject Matter

3. **Claim(s) 1-3, 6, 8-16, 18, 22 and 32-34** are allowed.

Response to Arguments

4. Applicant's arguments with respect to **claim(s) 25-28 and 36-41** have been considered but are moot in view of the new ground(s) of rejection.


Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (571) 272-7539. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Gerald Gauthier
Primary Examiner
Art Unit 2614

GG
February 19, 2007